

**BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY
BUCKINGHAMSHIRE FIRE AND RESCUE SERVICE**

Director of Legal & Governance, Graham Britten
Buckinghamshire Fire & Rescue Service
Brigade HQ, Stocklake, Aylesbury, Bucks HP20 1BD
Tel: 01296 744441 Fax: 01296 744600



Chief Fire Officer and Chief Executive
Jason Thelwell

To: The Members of the Executive Committee

6 March 2017

**MEMBERS OF THE PRESS
AND PUBLIC**

**Please note the content of
Page 2 of this Agenda Pack**

Dear Councillor

Your attendance is requested at a meeting of the **EXECUTIVE COMMITTEE of the BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY** to be held in Meeting Room 1, Fire and Rescue Headquarters, Stocklake, Aylesbury, Bucks, HP20 1BD on **WEDNESDAY 15 MARCH 2017 at 10.00 am** when the business set out overleaf will be transacted.

Yours faithfully

Graham Britten
Director of Legal and Governance

Chairman: Councillor Busby
Councillors: Carroll, Gomm, Lambert, Marland, McDonald, Reed and Schofield



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Recording of the Meeting

The Authority supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public. Requests to take photographs or undertake audio or visual recordings either by members of the public or by the media should wherever possible be made to enquiries@bucksfire.gov.uk at least two working days before the meeting.

The Authority also allows the use of social networking websites and blogging to communicate with people about what is happening, as it happens.

Adjournment and Rights to Speak – Public

The Authority may, when members of the public are present, adjourn a Meeting to hear the views of the public on a particular agenda item. The proposal to adjourn must be moved by a Member, seconded and agreed by a majority of the Members present and voting.

Prior to inviting the public to speak, the Chairman should advise that they:

- (a) raise their hands to indicate their wish to speak at the invitation of the Chairman,
- (b) speak for no more than four minutes,
- (c) should only speak once unless the Chairman agrees otherwise.

The Chairman should resume the Meeting as soon as possible, with the agreement of the other Members present.

Adjournments do not form part of the Meeting and should be confined to times when the views of the public need to be heard.

Rights to Speak - Members

A Member of the constituent Councils who is not a Member of the Authority may attend Meetings of the Authority or its Committees to make a statement on behalf of the Member's constituents in the case of any item under discussion which directly affects the Member's division, with the prior consent of the Chairman of the Meeting which will not be unreasonably withheld. The Member's statement will not last longer than four minutes.

Where the Chairman of a Committee has agreed to extend an invitation to all Members of the Authority to attend when major matters of policy are being considered, a Member who is not a member of the Committee may attend and speak at such Meetings at the invitation of the Chairman of that Committee.

Questions

Members of the Authority, or its constituent councils, District, or Parish Councils may submit written questions prior to the Meeting to allow their full and proper consideration. Such questions shall be received by the Monitoring Officer to the Authority, *in writing or by fax*, at least two clear working days before the day of the Meeting of the Authority or the Committee.

EXECUTIVE COMMITTEE

TERMS OF REFERENCE

1. To make all decisions on behalf of the Authority, except in so far as reserved to the full Authority by law or by these Terms of Reference.
2. To assess performance of the Authority against agreed organisational targets.
3. To determine matters relating to pay and remuneration where required by collective agreements or legislation.
4. To select on behalf of the Authority—the Chief Fire Officer and Chief Executive, and deputy to the Chief Fire Officer and Chief Executive, or equivalent , taking advice from suitable advisers and to make recommendations to the Authority as to the terms of appointment or dismissal.
5. To consider and make decisions on behalf of the Authority in respect of the appointment of a statutory finance officer ; a statutory monitoring officer; and any post to be contracted to “Gold Book” terms and conditions in whole or in part taking advice from the Chief Fire Officer and suitable advisers.
6. To act as the Employers’ Side of a negotiating and consultation forum for all matters relating to the employment contracts of the Chief Fire Officer and Chief Executive, deputy to the Chief Fire Officer and Chief Executive, or equivalent; and where relevant, employees contracted to “Gold Book” terms and conditions in whole or in part.
7. To hear appeals if required to do so in accordance with the Authority’s Policies.
8. To determine any human resources issues arising from the Authority’s budget process and improvement programme.
9. To determine policies, codes or guidance:
 - (a) after considering recommendations from the Overview and Audit Committee in respect of:
 - (i) regulating working relationships between members and co-opted members of the Authority and the employees of the Authority; and
 - (ii) governing the conduct of employees of the Authority
 - (b) relating to grievance, disciplinary, conduct, capability, dismissals and appeals relating to employees contracted to “Gold Book” terms and conditions in whole or in part.
10. To form a Human Resources Sub-Committee as it deems appropriate.

AGENDA

Item No:

1. Apologies

2. Minutes

To approve, and sign as a correct record, the Minutes of the meeting of the Committee held on 8 February 2017 (Item 2) **(Pages 7 - 14)**

3. Disclosure of Interests

Members to declare any disclosable pecuniary interests they may have in any matter being considered which are not entered onto the Authority's Register, and officers to disclose any interests they may have in any contract to be considered.

4. Questions

To receive questions in accordance with Standing Order S0A7.

5. Upfront Payment of Local Government Pension Scheme (LGPS) Employer Contributions

To consider Item 5 **(Pages 15 - 16)**

6. Government Consultation: Re-engagement of Senior Fire Officers post-retirement

To consider Item 6 **(Pages 17 - 38)**

7. Exclusion of Press and Public

To consider excluding the public and press representatives from the meeting by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as the minutes contains information relating to an individual; and Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as the minutes contains information relating to the financial or business affairs of a person; and on these grounds it is considered the need to keep information exempt outweighs the public interest in disclosing the information:

8. Exempt Minutes

To approve and the Chairman to sign as a correct record the Exempt Minutes of the meeting of the Executive Committee held on 8 February 2017.

To consider Item 8

9. Date of Next Meeting

To note that the next meeting of the Committee will be held on Wednesday 10 May 2017 at 10am.

If you have any enquiries about this agenda please contact: Katie Nellist (Democratic Services Officer) – Tel: (01296) 744633 email: knellist@bucksfire.gov.uk

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Minutes of the meeting of the EXECUTIVE COMMITTEE of the BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY held on WEDNESDAY 8 FEBRUARY 2017 at 10.00 am

Present: Councillors Busby (Chairman), Carroll, Gomm, Marland, McDonald, Reed and Schofield

Officers: J Thelwell (Chief Fire Officer), M Osborne (Deputy Chief Fire Officer), G Britten (Director of Legal and Governance), L Swift (Director of People and Organisational Development), D Sutherland (Director of Finance and Assets), M Hemming (Deputy Director of Finance and Assets), K McCafferty (Head of Human Resources), P Holland (Head of Service Transformation), M Stevens (Principal Accountant), J Parsons (Head of Service Development), K Nellist (Democratic Services Officer) F Pearson (Communication and Consultation Manager) and J McNeill (South East Employers)

Apologies: Councillor Lambert

EX28 MINUTES

RESOLVED –

That the Minutes of the meeting of the Executive Committee held on Wednesday 23 November 2016, be approved and signed by the Chairman as a correct record.

EX29 BUDGET MONITORING PERFORMANCE AND DEBT MANAGEMENT APRIL-NOVEMBER 2016

The Lead Member for Finance, IT, Procurement and Control introduced the report and advised Members that there were three aspects to it. The first was regarding the £510k underspend against a revenue budget of £28.3m, the second was the capital update showing the projected spend and the carry forward items and the third was debt monitoring.

The Deputy Director of Finance advised Members that local press had picked up on this and the previous budget monitoring report. The Bucks Herald had presented a good news story regarding the Authority investing £500k in apprenticeships and Mix 96 had run a story on the Authority putting aside funds for a 'sprinkler initiative' for future years.

The Principal Accountant advised Members that the Authority had been proactive in developing resilient resourcing models in order to meet known risk and demand levels of the service, while maintaining response standards. Examples of this approach included operating with a smaller regular establishment, which was reinforced by on-call and whole-time firefighters working 'Bank' shifts. With a smaller regular establishment being achieved via falling staff numbers from 2013/14, due to retirements and leavers, the 'Bank System' offered the Service a

flexible resource, designed to maintain appliance availability in the event of crewing shortfalls. This also showed that service levels were being maintained and costs were reducing.

RESOLVED –

1. That the latest projected outturn forecast for the Authority as at 30 November 2016 be noted.
2. That £200k of the projected underspend for 2016/17 be transferred to the Revenue Contributions to Capital Outlay (RCCO) reserve in order to add resilience to this area in future years.

EX30 THE PRUDENTIAL CODE, PRUDENTIAL INDICATORS AND MINIMUM REVENUE PROVISION

The Director of Finance and Assets advised the Committee that this report was presented as the Prudential Indicators and Minimum Revenue Provision policy statement were required to be approved by the Fire Authority and to support the Medium Term Financial Plan.

The Prudential Code was established to ensure that capital investment plans were affordable, prudent and sustainable. The indicators presented here demonstrated that the current plans for capital investment meet this criteria and present an acceptable level of risk to the Authority. The minimum revenue provision was a statutory charge to the General Fund, which ensured that the Authority had sufficient cash balances to repay borrowing upon maturity, reducing the refinancing risk.

RESOLVED –

That the Authority be recommended to approve:

1. the Prudential Indicators; and
2. the Minimum Revenue Provision Policy Statement

EX31 MEDIUM TERM FINANCIAL PLAN (MTFP) 2017/18 TO 2019/20

The Lead Member for Finance, IT, Procurement and Control introduced the report and advised Members that this was an important report in terms of setting the budget for next year.

The Deputy Director of Finance advised Members that the reason for the revised Appendix 1 was that the Authority does not receive the final figures from the billing authorities until the statutory deadline of 31 January 2017. Following this there were some slight changes to the estimates given prior to the final figures being released.

The Principal Accountant advised that looking at the Local Government Finance settlement for 2017/2018 and the MTFP

summary which was revised on Appendix 1, Members could see that the Government was continuing with its change in policy in this area. There was no Council Tax Freeze Grant and there was a continuing fall in the Revenue Support Grant/Central Government funding. There was also an expectation that Council Tax would be increased every year under the current spending review period. The four year funding settlement that was put forward and agreed by the Authority in October 2016, assumed a 1.99% increase in Council Tax precept year on year.

The Principal Accountant advised Members that if the Authority did not increase the Council Tax precept in 2017/2018, it would be looking at a £349k deficit. If precept levels remained unchanged in 2018/2019, there would be an accumulated deficit of £1.09m and again in 2019/2020 there would be an accumulated deficit of £2.4m.

The Principal Accountant advised that in line with the plans for the four year settlement, assuming 1.99% increases in Council Tax precept year on year, there would be a minor £19k deficit in 2018/2019 and £253k accumulated deficit by 2019/2020. These deficits would be addressed by savings bids through the MTFP process over these years. There were still risks relating to the figures in the revised model with the main one being questions over the continuation of the USAR grant.

RESOLVED –

It is recommended that the Authority be recommended to:

1. Note and have due regard to the report and Statement of the Chief Finance Officer (see section 8 of Annex A).
2. Approve a Council Tax precept of £60.88 for a band D equivalent property (a 1.98% increase from 2016/17 – equal to 2.3p per week and the revenue budget as set out in Appendix 1.
3. Approve the capital programme as set out in Appendix 2.

EX32

SIZE OF THE AUTHORITY AND ITS CODE OF CONDUCT COMPLAINTS PROCEDURE

The Director of Legal and Governance advised Members that at the Authority's AGM on 8 June 2016, it was requested that a review of the number of Members on the Fire Authority be reported. Members would note from the report that this request was prescient of one of the key findings of the Adrian Thomas Review which was that authorities should review the size of their membership. This decision was pre-eminently a decision for Members to make and for that reason the report does not advocate a position, rather its focus was to present facts and context.

The Director of Legal and Governance also advised Members that as well as the request to look at the size of the Authority, there was also a request to look at the implications of Police and Crime Commissioner (PCC) involvement and this was touched on quite

lightly in terms of the recommendations of the report, purely to note, what may or may not happen when the relevant parts of the Police and Crime Act come into force. Once the relevant provisions come into force, the PCC can request a seat as a full voting member on the Authority and in receipt of that request, the Authority was obliged to consider it and either accept the request or give reasons to decline it.

In answer to a Member's question it was confirmed that if a seat were offered to the PCC, this would not affect the number of, or proportionality of, councillor appointments made from across the two constituent councils.

The Director of Legal and Governance advised Members that the proposed revised Code of Conduct Complaints procedure dispensed with the need to constitute and populate two subcommittees each of three Members as required under the current process in order to determine complaints and appeals. The proposed procedure was based on the procedure adopted by the London Fire and Emergency Planning Authority which had been in place since the Localism Act in 2011 permitted locally determined arrangements.

The Director of Legal and Governance also advised Members that if the PCC was to become a Member of the Authority, the Policing and Crime Bill amends the Localism Act 2011 so that the Authority must include in its Code of Conduct Procedure arrangements for allegations against the PCC to be referred to the Thames Valley Police and Crime Panel and for dealing with any resulting report made to the Authority by that Panel.

RESOLVED-

That the Authority be recommended to resolve that:

1. The Authority remains a size of 17 Members.
2. The Procedure for the handling of allegations under the Code of Conduct for Councillors and Co-opted Members (Annex C) be adopted.
3. It be noted that the Policing and Crime Bill will require the Authority at a future meeting:
 - a. If a request is received from the Thames Valley Police and Crime Commissioner to attend, speak and vote at Authority meetings as if a Member of the Authority, to:
 - i. consider the request, and
 - ii. give reasons for their decision to agree to or refuse the request.

- b. to revise its Code of Conduct Complaints Procedure if the Thames Valley Police Crime Commissioner were to become a Member of the Authority.

EX33 EMERGENCY SERVICES MOBILE COMMUNICATIONS PROGRAMME (ESMCP)

The Head of Service Development advised Members that this report was to provide a further update regarding the national status of the programme and the impact on the regional and local transition. The Central Programme Board had recently announced a series of delays to the project, initially slipping by three months, now extended to six months. The resulting compression of the timeframe allowed for the testing and assurance process, was a concern, as they were still working to a deadline of 31 December 2019 for complete project completion.

The Head of Service Development advised Members that the Public Accounts Committee (PAC) had recently reviewed the Programme following the publication of the National Audit Office (NAO) report. The report was published on 25 January 2017 and the main findings were in line with the NAO report in that the risks of project overrun had not been fully assessed or budgeted for. The PAC had issued a recall inquiry for 1 February 2017 calling senior civil servants on the project to provide further evidence.

The Head of Service Development advised Members that since authoring the document the Central Programme Team had announced funding arrangements for much of the technical works such as control room upgrades and ICT security upgrades. It was also announced that funding for PSN compliance had been assured, but shortly after this announcement, the Authority received notification of the very welcome decision from Government Digital Services (GDS), that PSN wouldn't be required to access the ESN.

After completion of a tender process, Mott Macdonald had been appointed by the South Central Region to provide Programme Management for the five fire services involved.

RESOLVED –

That the content of the report be noted.

EX34 APPRENTICESHIP PILOT

The Head of Human Resources updated Members on the current apprenticeship pilot. The twenty two firefighter apprentices had joined their stations in October (having been in training since August) and the feedback from station personnel was excellent. Twenty one had reached and maintained the required standard and had successfully completed their probation period. Equally, the four support staff apprentices were also doing well. The positivity surrounding the apprenticeship programme from all

staff across the organisation was evident and the momentum continued with a plan to recruit at least two more support staff apprentices this financial year.

The Head of Human Resources advised Members that on Friday 20 January 2017 the Government published its long awaited response to the consultation on public sector apprenticeship targets. The public sector target had been placed at 2.3% new starts each year based on the headcount of employees. For BMKFA for 2017/2018 this was estimated to be twelve new start apprenticeships, depending on headcount at the time.

The Head of Human Resources advised Members that the Apprenticeship Levy would be introduced on 6 April 2017, all employers with a pay bill of £3m would be required to pay the levy. The levy would be charged at the rate of 0.5% of total pay bill. For the Authority this equated to a payment of £60k. Levy contributions were to be collated via PAYE and would be collected from April 2017.

The Head of Human Resources also advised Members that following the success of the familiarisation days held as part of the recruitment campaign for operational apprentices last year, the Authority was planning to hold more this year so that when there was an operational apprentice recruitment window (probably not before 2018) there was a pool of interested candidates who understand the role and physical requirements. This initiative also aimed to assist with improving diversity of the application pool. The scoping of an On-Call Firefighter Apprenticeship programme had been deferred to align better with the on-call proposition and estimated timings for this was summer 2017. This would allow resources to concentrate on the embedding and management of the support staff and whole-time firefighter apprenticeship programme.

J Thelwell (Chief Fire Officer), M Osborne (Deputy Chief Fire Officer), G Britten (Director of Legal and Governance), L Swift (Director of People and Organisational Development), D Sutherland (Director of Finance and Assets), M Hemming (Deputy Director of Finance and Assets), P Holland (Head of Service Transformation), M Stevens (Principal Accountant), J Parsons (Head of Service Development) and F Pearson (Communication and Consultation Manager) left the meeting.

EX35

STRATEGIC MANAGEMENT BOARD REMUNERATION AND PERFORMANCE REVIEW 2016 AND ANNUAL REPORT ON THE EMPLOYEE BONUS SCHEME

The Committee considered the report and appendices, details of which were noted in the confidential/exempt minutes.

RESOLVED:

It was recommended that:

1. a financial recognition of achievements to the Chief Fire Officer/Chief Executive through a bonus payment be approved.
2. the level of bonus payment to the Chief Fire Officer be agreed.
3. an amount of funds to be allocated to other members of the SMB by the Chief Fire Officer based on individual performance reviews be agreed.
4. The recommendation made in the independent review to cease Private Health cover for SMB Members be noted.
5. The summary of the awards made in 2015/16 under the Authority's Employee Bonus Scheme set out at Appendix 2 be noted.

EX36

DATE OF NEXT MEETING

The Committee noted that the date of the next Executive Committee meeting would be held on Wednesday 15 March 2017 at 10.00am.

THE CHAIRMAN CLOSED THE MEETING AT 11.42AM.

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Buckinghamshire & Milton Keynes Fire Authority

MEETING	Executive Committee
DATE OF MEETING	15 March 2017
OFFICER	David Sutherland, Director of Finance and Assets
LEAD MEMBER	Councillor Peter McDonald
SUBJECT OF THE REPORT	Upfront Payment of Local Government Pension Scheme (LGPS) Employer Contributions
EXECUTIVE SUMMARY	<p>The previous LGPS valuation (as at 31 March 2013) showed that the Authority had a deficit on the fund of £1.9m. At the meeting of 5 February 2014, the Executive Committee resolved to pay this deficit in one lump sum. This meant that the employer contribution percentage was therefore set at 13.3%, rather than 19.9%.</p> <p>The most recent valuation (based on figures as at 31 March 2016) shows that the Authority now has a very modest surplus on its share of the fund and the funding level is 101%.</p> <p>This recent valuation also recommends that the employer contribution rate should increase from 13.3% to 15.5% of payroll for the next three years. This is due primarily to the change in the discount rate used by the actuary and the lack of take up of the 50:50 option (where members can elect to pay 50% of the employee contributions due and receive 50% of the benefit).</p> <p>The Authority has factored the increased cost into the budget for 2017-18. However, if the Authority were to pay three years' worth of employer contributions on 1 April 2017 there is an opportunity to reduce the total amount payable.</p> <p>The total cost over three years if employer contributions were to be paid monthly is £1.407m. If all employer contributions due for the three years were paid on 1 April 2017 the cost would be £1.301m. This reduces the total cash payments by £106k over the three years.</p> <p>By paying one lump sum, the Authority will forgo interest it could have earned by investing the money. The Authority is currently earning approximately 0.6% on its cash investments. Based on this rate of return the interest forgone would be £15k.</p> <p>This proposal therefore delivers a net saving of £91k</p>

	over the three year period (i.e. approximately £30k per annum).
ACTION	Decision.
RECOMMENDATIONS	That the upfront payment of three year's employer contributions due in respect of the LGPS be approved.
RISK MANAGEMENT	If interest rates were to increase significantly the Authority would forgo more interest than forecast and the value of savings would be reduced.
FINANCIAL IMPLICATIONS	The full cost of the increased employer contribution rate has been factored into the Medium Term Financial Plan. Savings realised could therefore be reallocated to fund other priorities within the Public Safety Plan.
LEGAL IMPLICATIONS	No direct impact.
CONSISTENCY WITH THE PRINCIPLES OF COLLABORATION	No direct impact.
HEALTH AND SAFETY	No direct impact.
EQUALITY AND DIVERSITY	No direct impact.
USE OF RESOURCES	See Financial Implications.
PROVENANCE SECTION & BACKGROUND PAPERS	Background Local Government Pension Scheme – Restructuring of Liability, Executive Committee, 5 February 2014: http://bucksfire.gov.uk/files/1014/0603/3618/ITEM7L_OCALGOVERNMENTPENSIONSCHEME.pdf
APPENDICES	None.
TIME REQUIRED	10 minutes.
REPORT ORIGINATOR AND CONTACT	Mark Hemming mhemming@bucksfire.gov.uk 01296 744687



Buckinghamshire & Milton Keynes Fire Authority

MEETING	Executive Committee
DATE OF MEETING	15 March 2017
OFFICER	Lynne Swift, Director of People and Organisational Development
LEAD MEMBER	Councillor Roger Reed
SUBJECT OF THE REPORT	Government Consultation : Re-engagement of Senior Fire Officers post-retirement
EXECUTIVE SUMMARY	<p>On 21 February 2017 the Home Office released a consultation document on the re-engagement of senior fire officers following retirement. The Home Office is of the view that, "This practice has generated considerable public interest and has the potential to damage the trust between regular firefighters and senior officers."</p> <p>The document (see Appendix 1) sets out for consultation a change to the Fire and Rescue National Framework on the issue of senior fire officers (i.e. roles of Area Managers, or equivalent, and above) retiring from post and subsequently being re-employed in the same or very similar roles. The consultation proposes that an addendum to the National Framework is added to explicitly discourage this practice.</p> <p>The National Framework states that in demonstrating their accountability to communities for the service they provide, Fire and Rescue Authorities (FRAs) need to provide assurance to their communities and to Government, on financial, governance and operational matters and on national resilience capability. The National Framework also requires that FRAs must have arrangements in place to ensure that their decisions are open to scrutiny and to ensure that communities can access data and information on their performance. However currently there is nothing specific in the National Framework to discourage the practice outlined above. The proposed draft text for addendum is at page 5 of Appendix 1.</p> <p>This paper:</p> <ul style="list-style-type: none"> • outlines the Authority's position on re-engagement, which in summary aligns to the proposals being made, and • proposes a draft response to the consultation

	for consideration. The deadline for responding to the consultation is Tuesday 4 April 2017 at 11.45pm.
ACTION	Decision/information.
RECOMMENDATIONS	<p>It is recommended that:</p> <ol style="list-style-type: none"> 1. the Authority's position on re-engagement of senior officers be noted; 2. the draft response (Appendix 2) to the consultation be noted; and 3. the Chief Fire Officer be delegated authority to finalise and submit the response on behalf of the Authority in consultation with the Lead Member for Human Resources and Equality and Diversity.
RISK MANAGEMENT	There are no risks to the delivery of the Authority's functions.
FINANCIAL IMPLICATIONS	None arising from the recommendations.
LEGAL IMPLICATIONS	None arising from the recommendations.
CONSISTENCY WITH THE PRINCIPLES OF COLLABORATION	<p>The position of other fire services on re-engagement clearly differs, hence the current Home Office consultation.</p> <p>It is considered that an Authority response to this consultation is appropriate.</p> <p>Members will be aware that at this time our Thames Valley partners have a separate Pay Policy Statement, however, an aligned approach would be appropriate in the future, particularly to support collaborative working, sharing of resources and working across boundaries. This will be raised with the other Thames Valley Fire and Rescue Services with a view to progressing early in the collaboration programme, to enable operational alignment. We will be recommending they adopt a Pay Policy Principles and Statement aligned to ours as a way forward.</p>
HEALTH AND SAFETY	There is no impact arising from this report.
EQUALITY AND DIVERSITY	There are no equality and diversity issues arising from this report.
USE OF RESOURCES	<p>Internal Controls: Adherence to the Pay Policy Principles and Statement is controlled via strict establishment and pay change approval process controls.</p> <p>Communication with stakeholders: Following annual approval of the Pay Policy Principles and</p>

	Statement, communication is via the normal policy publication and amendment process. Other Policies and Procedures are published and available to staff and managers.
PROVENANCE SECTION & BACKGROUND PAPERS	<p>Background</p> <p>The Authority position on Re-engagement/Re-employment is clearly documented in several places.</p> <p>The Fire Authority is required to adopt and publish a Pay Policy Principles and Statement annually.</p> <p>A most recent revised Pay Policy Statement 2017/2018 was approved by the full Authority in February 2017. It states in respect of any officer who is a member of the Senior Management Board <i>“Re-employment/re-engagement will not normally occur following retirement, however there may be exceptional circumstances where specialist knowledge and expertise are required for a defined period of time in the event of which re -employment/re-engagement may be considered. In this circumstance rules on abatement, protected pension age and public sector exit caps and claw backs will be considered.”</i></p> <p>This principle has been a feature of the Authority’s Pay Policy Statement since it was first required to adopt one in 2012</p> <p>Authority's Pay Policy Statement Archive</p> <p>The Authority guidance note on “ Pension abatement & protected pension age” states <i>“Pension payments will be abated where a Scheme member is re-employed by a Fire and Rescue Authority and they are in receipt of pension and salary, and when combined, exceed their earnings prior to retirement.”</i> The process of abatement is discretionary in the 1992 and 2006 Fire Pension Schemes, but we adopted the position to always abate in the discretions agreed in July 2013 so our position is clear it would be applied.</p>
APPENDICES	<p>Appendix 1: Home Office Government Consultation. Re-engagement of Senior Fire Officers Post-Retirement.</p> <p>https://www.gov.uk/government/consultations/re-employing-senior-fire-officers-after-their-retirement</p> <p>Appendix 2: proposed response to consultation.</p>
TIME REQUIRED	10 Minutes.
REPORT ORIGINATOR AND CONTACT	<p>Kerry McCafferty Head of HR & OD</p> <p>mccafferty@bucksfire.gov.uk</p> <p>01296 744621</p>

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Home Office

Re-engagement of Senior Fire Officers Post-retirement Government consultation

This consultation begins on 21 February 2017.

This consultation ends on 4 April 2017.

About this consultation

To:	Fire and Rescue Authorities and representative bodies
Duration:	From 21/02/17 to 04/04/17
Enquiries (including requests for an alternative format) to:	Alan Turnbull Home Office 2nd Floor, Fry Building, North West, 2 Marsham Street, London, SW1P 4DF Tel: 0207 035 3558 Email: FRSComms@homeoffice.gsi.gov.uk
How to respond:	You can submit your responses to the consultation by using the online form http://www.homeofficesurveys.homeoffice.gov.uk/s/M00Q0/ or in hard copy, by 4 April 2017 to: Harinder Sahota Home Office 2nd Floor, Fry Building, North West, 2 Marsham Street, London, SW1P 4DF Tel: 0207 035 3478 Email: FRSComms@homeoffice.gsi.gov.uk
Response paper:	A response to this consultation exercise is due to be published by 21/05/17 at: https://www.gov.uk/government/publications?publication_filter_option=consultations

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Introduction

This paper sets out for consultation a change to the Fire and Rescue National Framework on the issue of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles. This consultation proposes that an addendum to the National Framework is added to explicitly discourage this practice. The consultation is aimed at fire and rescue authorities and representative bodies in England but views from the wider community would be welcome.

Copies of the consultation paper are being sent to:

Chiefs and Chairs of all Fire and Rescue Authorities in England

Local Government Association

Chief Fire Officers' Association

Association of Principal Fire Officers

Fire Officers' Association

Fire Brigades Union

Retained Firefighters' Union

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

The proposals

1. The Home Office is consulting on changing the Fire and Rescue National Framework (the National Framework) on the issue of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles. This consultation proposes that an addendum to the National Framework is added to explicitly discourage this practice. The consultation is aimed primarily at fire and rescue authorities (FRAs) and unions but views from others would be welcome.
2. Under section 21 of the Fire and Rescue Services Act 2004, the National Framework must set out priorities and objectives for FRAs in connection with the discharge of their functions; may contain guidance to FRAs in connection with the discharge of any of their functions; and may contain any other matter relating to FRAs or their functions that the Secretary of State considers appropriate. Under the Fire and Rescue Services Act 2004, FRAs must have regard to the National Framework in carrying out their functions.
3. The Home Office is aware of a number of senior fire officers retiring and then being re-appointed into the same or a similar post. By doing this they can access up to a quarter of their pension as a tax free lump sum and cease to pay employee pension contributions. This practice seems to occur primarily amongst senior officers, commonly Chief Fire Officers (CFOs), who either make arrangements with an FRA to retire and then be re-appointed, or retire and apply for a post they've previously held (or one that is similar).
4. This practice, which mostly affects members of the Firefighters' Pension Scheme 1992 (the "1992 Scheme") is usually dependent on the employing FRA agreeing to re-appoint the senior fire officer into post and accordingly stokes a perception that there is one rule for rank and file firefighters, who obey the spirit of the pension regulations, and another for those at the top who are able to circumvent the intention of the regulations.
5. The introduction to the National Framework states that in demonstrating their accountability to communities for the service they provide, FRAs need to provide assurance to their communities and to Government, on financial, governance and operational matters and on national resilience capability. The National Framework also requires that FRAs must have arrangements in place to ensure that their decisions are open to scrutiny (paragraph 2.5) and to ensure that communities can access data and information on their performance. This includes publishing pay policy statements (paragraphs 2.8 and 2.9). The Department for Communities and Local Government issued guidance on openness and accountability in local pay to ensure that authorities explain policies where it could appear that the public sector is paying an individual twice – through salary and a pension – for doing the same job

Re-engagement of Senior Fire Officers Post-retirement

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5956/2091042.pdf). However, further action is needed and currently there is nothing specific in the National Framework to discourage the practice outlined above.

6. This practice has generated considerable public interest and has the potential to damage the trust between regular firefighters and senior officers. In response to these concerns, the Government proposes to revise the National Framework to include guidance to FRAs, making it clear exactly what is expected of FRAs, namely:
 - FRAs must not re-appoint principal fire officers after retirement to their previous (or a similar) post, save for in exceptional circumstances when such a decision is necessary in the interests of public safety.
 - Any such appointment must be transparent, justifiable and time limited.
 - In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a vote of the elected members of the fire and rescue authority, or a decision by the appropriate elected representative of the fire and rescue authority.
 - FRAs must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate.
 - The officer's pension must be abated until they cease to be employed by a FRA.
 - All principal fire officer posts must be open to competition nationally.
7. Revisions to the National Framework which appear to the Secretary of State to be significant can only be made after consultation. We would value comments on the proposed addendum to the National Framework.

National Fire Framework – Draft text for addendum

The re-appointment of principal fire officers¹ to the same or similar posts, a short time after they have retired, has caused concern in recent years. These individuals very often receive their pension benefits on retirement (such as their tax free lump sum) and then return on favourable terms, including an increase in take-home pay through avoiding paying employee pension contributions.

Fire and rescue authorities must not re-appoint principal fire officers after retirement to their previous, or a similar, post save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited.

In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a vote of the elected members of the fire and rescue authority, or a decision by the appropriate elected representative of the fire and rescue authority. The reason why the re-appointment was necessary in the interests of public safety, and alternative approaches were deemed not appropriate, must be published and the principal fire officer's pension must be abated until they cease to be employed by a fire and rescue authority.

To ensure greater fairness and the exchange of talent and ideas, all principal fire officer posts must be open to competition nationally, and fire and rescue authorities must take account of this in their workforce planning.

¹ For the purpose of this Framework Principal Officers refers to those officers at Brigade or Area Manager level, and above, or those with comparable responsibilities to those roles.

Questionnaire

We would welcome responses to the following questions.

Q1. To what extent do you agree or disagree with proposal that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles should be discouraged?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q2. If you disagree with proposal that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles should be discouraged, please give reasons.

Q3. To what extent do you agree or disagree that an addendum to the National Framework is the best way to discourage the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q4. If you disagree with proposal that that an addendum to the National Framework is the best way to discourage the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles, please give reasons.

Q5. To what extent do you agree or disagree that that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles can be justified in exceptional circumstances when necessary in the interests of public safety?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q6. If you disagree that that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles can be justified in exceptional circumstances when necessary in the interests of public safety, please give reasons.

Q7. Are there any additional requirements that could be added to the proposed addendum to the National Framework to discourage the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles?

Q8. Are there any measures included in the proposed addendum that should be excluded from the National Framework?

Measure	Exclude?
FRAs must not re-appoint principal fire officers after retirement to their previous (or a similar) post, save for in exceptional circumstances when such a decision is necessary in the interests of public safety	
Any such appointment must be transparent, justifiable and time limited	
In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a vote of the elected members of the fire and rescue authority	
FRAs must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate.	
The officer's pension must be abated until they cease to be employed by a FRA.	
All principal fire officer posts must be open to competition nationally.	

Q9. If you think that there any measures included in the proposed addendum that should be excluded from the National Framework, please give reasons.

Q10. Are there are any other views or comments that you would like to add in relation to this issue that were not covered by the other questions in this consultation?

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

You can submit your responses to the consultation by using the online form <http://www.homeofficesurveys.homeoffice.gov.uk/s/M00Q0/>

or in hard copy, by 4 April 2017 to:

Harinder Sahota

Home Office

2nd Floor, Fry Building, North West, 2 Marsham Street, London, SW1P 4DF

Tel: 0207 035 3478

Email: FRSComms@homeoffice.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

This consultation is available online at

https://www.gov.uk/government/publications?publication_filter_option=consultations

Alternative format versions of this publication can be requested from

FRSComms@homeoffice.gsi.gov.uk

Publication of response

A paper summarising the responses to this consultation will be published by 21 May 2017. The response paper will be available online at

https://www.gov.uk/government/publications?publication_filter_option=consultations

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

Re-engagement of Senior Fire Officers Post-retirement

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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Appendix 2

Questionnaire **PROPOSED RESPONSES – shown in bold**

Q1. To what extent do you agree or disagree with proposal that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles should be discouraged?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree

Q2. If you disagree with proposal that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles should be discouraged, please give reasons.

Not applicable

Q3. To what extent do you agree or disagree that an addendum to the National Framework is the best way to discourage the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles?

Strongly agree **Agree** Neither agree nor disagree Disagree Strongly disagree

Q4. If you disagree with proposal that that an addendum to the National Framework is the best way to discourage the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles, please give reasons.

Not applicable

Q5. To what extent do you agree or disagree that that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles can be justified in exceptional circumstances when necessary in the interests of public safety?

Strongly agree **Agree** Neither agree nor disagree Disagree Strongly disagree

Q6. If you disagree that that the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles can be justified in exceptional circumstances when necessary in the interests of public safety, please give reasons.

Not applicable

Q7. Are there any additional requirements that could be added to the proposed addendum to the National Framework to discourage the practice of senior fire officers retiring from post and subsequently being re-employed in the same or very similar roles?

After the second paragraph of the suggested text for the Addendum to the National Framework:

“Fire and rescue authorities must not re-appoint principal fire officers after retirement to their previous, or a similar post, save for in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited.”

The following requirement should be added: “A Fire and Rescue Authority must therefore ensure that its Pay Policy Statement reflects this.” Once incorporated into a Fire and Rescue Authority’s Pay Policy Statement it would be unlawful for it not to comply with it.

Q8. Are there any measures included in the proposed addendum that should be excluded from the National Framework?

Measure	Exclude?
FRAs must not re-appoint principal fire officers after retirement to their previous (or a similar) post, save for in exceptional circumstances when such a decision is necessary in the interests of public safety	include
Any such appointment must be transparent, justifiable and time limited	include
In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a vote of the elected members of the fire and rescue authority	include
FRAs must publish the reason why the re-appointment was necessary in the interests of public safety and alternative approaches were deemed not appropriate.	include
The officer's pension must be abated until they cease to be employed by a FRA.	include
All principal fire officer posts must be open to competition nationally.	include

Q9. If you think that there any measures included in the proposed addendum that should be excluded from the National Framework, please give reasons.

Not applicable

Q10. Are there are any other views or comments that you would like to add in relation to this issue that were not covered by the other questions in this consultation?

The approach being proposed is reflective of the position already in place in Buckinghamshire and Milton Keynes Fire Authority (BMKFA), as documented in several Policy and procedures. We agree that the routine re-engagement of senior officers is not appropriate and would only be operated in the most exceptional circumstances and with proper authority and governance in place. The Authority's business continuity plan includes leadership and management succession plans in place at senior level to mitigate the need to reengage senior officers, which are reviewed with Authority members.

The Authority has operated a comprehensive workforce planning process since 2011, which forecasts training needs and career development programme requirements for aspiring senior managers and supports recruitment predictions. BMKFA'S People Strategy sets out to improve diversity of the workforce and senior management retirements provide opportunity to progress the Authority's equality agenda. Re engaging senior managers would work against this local and national fire reform priority.